



**MINUTES OF A MEETING OF THE COUNCIL OF THE
LONDON BOROUGH OF HAVERING
Council Chamber - Town Hall
15 July 2015 (7.30 - 10.40 pm)**

Present: The Mayor (Councillor Brian Eagling) in the Chair.

Councillors Clarence Barrett, Robert Benham, Ray Best, Wendy Brice-Thompson, Joshua Chapman, John Crowder, Philippa Crowder, Keith Darvill, Meg Davis, Osman Dervish, Ian De Wulverton, Nic Dodin, Alex Donald, David Durant, Gillian Ford, Jason Frost, Jody Ganly, John Glanville, Linda Hawthorn, Philip Hyde, David Johnson, Steven Kelly, Phil Martin, Barbara Matthews, Robby Misir, Ray Morgon, Barry Mugglestone, Stephanie Nunn, Ron Ower, Garry Pain, Dilip Patel, Viddy Persaud, Roger Ramsey, Keith Roberts, Carol Smith, Frederick Thompson, Linda Trew, Jeffrey Tucker, Linda Van den Hende, Melvin Wallace, Roger Westwood, Damian White, Michael White, Reg Whitney, Graham Williamson, Darren Wise and John Wood.

Approximately fifteen Members' guests and members of the public were present.

Apologies were received for the absence of Councillors June Alexander, Michael Deon Burton, John Mylod, Patricia Rumble, Lawrence Webb and Julie Wilkes.

The Mayor advised Members and the public of action to be taken in the event of emergency evacuation of the Town Hall becoming necessary.

Reverend Shaun Moore, Vicar, St George's Church, Harold Hill opened the meeting with prayers.

The meeting closed with the singing of the national anthem.

25 **MINUTES (agenda item 3)**

The minutes of the meeting of the Council held on 10 June 2015 were before the Council for approval.

It was **AGREED**, without division, that the minutes of the meeting of the Council held on 10 June be signed as a correct record.

RESOLVED:

That the minutes of the meeting of the Council held on 10 June, be signed as a correct record.

26 **DISCLOSURE OF PECUNIARY INTERESTS (agenda item 4)**

There were no disclosures of interest.

27 **ANNOUNCEMENTS BY THE MAYOR, BY THE LEADER OF THE COUNCIL OR BY THE CHIEF EXECUTIVE (agenda item 5)**

The Mayor congratulated the Council Chief Executive – Cheryl Coppel on her recent award of the Order of the British Empire. This announcement was greeted with general applause.

Congratulations were also given to the Havering team at the recent London Youth Games and in particular to the Girls Athletics team who had won the gold medal.

The Mayor also reported that he had recently undertaken a successful visit with the Leader to Havering's twin town – Ludwigshafen. The Mayor advised Council that this visit had been undertaken at his own expense and was not funded from any Council budget.

The text of the announcements given by the Leader of the Council is shown in appendix 1 to these minutes.

28 **PETITIONS (agenda item 6)**

Pursuant to Council Procedure Rule 23, the following petitions were presented:

From Councillor Ray Best concerning a request for width restrictions in Faircross Avenue.

From Councillor Jason Frost concerning a request for parking restrictions in Lowshoe Lane.

It was **NOTED** that the petitions would be passed to Committee Administration for attention in accordance with the Council's Petitions Scheme.

29 **PROPOSED AMENDMENT TO THE COUNCIL PROCEDURE RULES
FOR THE SCOPE OF MOTIONS TO FULL COUNCIL (agenda item 7)**

A report of the Governance Committee invited Council to agree some amendments to the Council procedure rules as regards the scope of motions accepted for debate at full Council. It was recommended that the Council procedure rules be amended to ensure that complaints against a Councillor or Council Officer (which were subject to separate procedures) were not accepted as part of motions to Council. It was also proposed that the authority to reject such motions be delegated to the Council's Monitoring Officer.

Deemed Motion on behalf of the Administration

That the report be adopted and its recommendations carried into effect.

Amendment on behalf of the Independent Residents' Group

The Governance report proposes taking away the Mayor's power to have the final say on whether a Motion is acceptable and instead proposes giving the final say to the Monitoring Officer.

This is anti-democratic because motions are a political matter and it's the responsibility of the Mayor rather than the Legal Officer to have the final say.

Thus Council agrees to send this report back to the Governance committee for further consideration because it is wrong in principal and practice to delegate political decision making to unelected council officers!

During the course of debate, a procedural motion that the matter proceed straight to the vote was **CARRIED** by 42 votes to 6 (see division 1).

The amendment by the Independent Residents' Group was **NOT CARRIED** by 42 votes to 6 (see division 2).

The deemed motion by the Administration was **CARRIED** by 42 votes to 6 (see division 3) and it was accordingly **RESOLVED**:

1. That Council Procedure Rule 11.4 of the Council's Constitution be revised the read the following:

11.4 Scope

(a) Motions must be relevant to a matter in which the Council has powers or duties or which affects the borough.

(b) The Monitoring Officer may reject a Motion if it:

- i. is not about a matter for which the local authority has a responsibility or which affects the borough;*
- ii. is defamatory, derogatory, vexatious, scurrilous, frivolous or offensive;*
- iii. is substantially the same as a motion which has been put at a meeting of Full Council in the past six months;*
- iv. requires the disclosure of confidential or exempt information;*
- v. seeks to pursue or further a complaint against a Councillor or an Officer of the Council, where other channels already exist for the determination of complaints.*

c). Where it would assist the proper or efficient conduct of the Council's business, the Mayor may direct that two or more motions relating to the same matter shall be debated together, with a separate vote on each one at the conclusion of the debate.

(d) The Monitoring Officer shall be entitled to clarify the wording of motions and amendments with the proposer before committing the motion or amendment to the agenda and shall be entitled to amend the wording of a motion or amendment in consultation with the proposer prior to the meeting to clarify, correct, or make sense of the particular wording. The Monitoring Officer shall consult the Mayor if agreement on such clarification cannot be reached and the Mayor may direct that the motion or amendment shall not be included in the summons.

2. **That the Council's Monitoring Officer be authorised to make the necessary change to the Council's Constitution, should the proposal be agreed by Council.**

30 **DELEGATION OF FUNCTIONS TO THE ONESOURCE JOINT COMMITTEE (agenda item 8)**

A report of the Governance Committee asked Council to agree a single joint scheme of delegation of functions to the oneSource Joint Committee. This would make it easier for both oneSource constituent Councils and for the Joint Committee to appreciate the precise extent of what functions were delegated and what were retained.

The report was **AGREED** by 44 votes to 3 (see division 4) and it was **RESOLVED**:

That the non-Executive functions listed in appendix 2 of these minutes be delegated to the oneSource Joint Committee.

31 **INVESTMENT IN HARROW LODGE PARK (agenda item 9)**

A report of an Executive Decision asked Council to agree an addition to the capital budget of a scheme to improve Harrow Lodge Park to the value of £1.406m. This was in response to concerns expressed by local residents about the quality of the park and would allow an application for Green Flag status for the park to be made.

A question by the Residents' Group relating to the report together with a response by the appropriate Cabinet member are shown in appendix 3 to these minutes.

The report was **AGREED** without division and it was **RESOLVED**:

That the Council add to the capital budget a scheme at Harrow Lodge Park to the value of £1.406m, noting that there is already a budget of £56k, so there is an increase in the overall capital budget of £1.350m

32 **ANNUAL REPORTS OF COMMITTEES, SUB-COMMITTEES AND MEMBER CHAMPIONS (agenda item 10)**

A Member raised a point of order that the large size of the agenda papers for the meeting meant that they could not be delivered to his home and that he had therefore had insufficient time to read them prior to the meeting.

Council received and considered the Annual Reports of the following:

Audit Committee

Pensions Committee
Standing Advisory Council on Religious Education
Children and Learning Overview & Scrutiny Sub-Committee
Crime & Disorder Sub-Committee
Environment Overview and Scrutiny Sub-Committee
Health Overview and Scrutiny Sub-Committee
Individuals overview and Scrutiny Sub-Committee
Towns and Communities Overview & Scrutiny Sub-Committee
Member Champion for the Armed Forces
Member Champion for Equality & Diversity
Member Champion for the Historic Environment
Member Champion for the Over 50s
Member Champion for the Voluntary Sector Compact
Member Champion for Younger Persons

Each Annual Report was **ADOPTED** without debate or division.

RESOLVED:

That the Annual Reports as listed be approved.

33 MEMBERS' QUESTIONS (agenda item 11)

Fifteen questions were asked and replies given.

The text of the questions, and their answers, are set out in **Appendix 4** to these minutes.

34 PUBLIC HEALTH FUNDING (AGENDA ITEM 12A) (agenda item 12)

Motion on behalf of the Conservative Group

This Council calls upon the Chancellor of the Exchequer to recognise that public health funds transferred to boroughs in 2012 were based on historic spend rather than current need – leaving Havering with the second lowest public health grant in London and it urges him to protect our public health grant in the future.

**Amendment on behalf of the United Kingdom
Independence Party Group**

This Council calls upon the Chancellor of the Exchequer to recognise that public health funds transferred to boroughs in 2012 were based on historic spend rather than current need – leaving Havering with the second lowest public health grant in London and it urges him to protect our public health budget with any future settlement to more closely reflect the needs of the borough given the current demographic trends increasing the demand for services.

Amendment on behalf of the Independent Residents' Group

Re last sentence. Replace the word protect with increase.

Note: Amended motion would therefore read as follows:

This Council calls upon the Chancellor of the Exchequer to recognise that public health funds transferred to boroughs in 2012 were based on historic spend rather than current need – leaving Havering with the second lowest public health grant in London and it urges him to increase our public health grant in the future.

During the course of debate, a procedural motion that the matter proceed straight to the vote was **CARRIED** by 40 votes to 8 (see division 5).

The amendment by the United Kingdom Independence Party Group was **CARRIED** by 47 votes to 0 (see division 6).

The amendment by the Independent Residents' Group was **NOT CARRIED** by 41 votes to 4 (see division 7).

The amendment by the United Kingdom Independence Party Group was **AGREED** as the substantive motion, without division.

RESOLVED:

This Council calls upon the Chancellor of the Exchequer to recognise that public health funds transferred to boroughs in 2012 were based on

historic spend rather than current need – leaving Havering with the second lowest public health grant in London and it urges him to protect our public health budget with any future settlement to more closely reflect the needs of the borough given the current demographic trends increasing the demand for services.

35 **PUBLIC REALM ENFORCEMENT (AGENDA ITEM 12B) (agenda item)**

Motion on behalf of the Residents' Group

This Council agrees to a thorough review of all public realm enforcement and the resources allocated to these activities, in order to encourage good behaviour and fairness to all our residents and non-residents alike.

Following debate, the motion on behalf of the Residents' Group was **AGREED** without division and it was **RESOLVED** that:

This Council agrees to a thorough review of all public realm enforcement and the resources allocated to these activities, in order to encourage good behaviour and fairness to all our residents and non-residents alike.

36 **FLYTIPPING (AGENDA ITEM 12C) (agenda item)**

Motion on behalf of the East Havering Residents' Group

Fly tipping is a growing problem that blights our community, costing Havering council tax payers in the region of £750,000 a year to clean up. While councils can prosecute offenders, the process is lengthy, expensive and any costs awarded in successful prosecutions rarely cover the expenditure incurred by the council.

In order to tackle the problem more effectively, this Council calls upon the Government to:

- a) empower councils to issue Fixed Penalty Notices for the specific offence of fly tipping up to £1,000
- b) award full costs to Councils when offenders are successfully prosecuted
- c) To consider commissioning a national strategy to tackle fly tipping with a knowledge sharing platform for local authorities to benefit from best practice

The motion on behalf of the East Havering Residents' Group was **AGREED** without division and it was **RESOLVED** that:

Fly tipping is a growing problem that blights our community, costing Havering council tax payers in the region of £750,000 a year to clean up. While councils can prosecute offenders, the process is lengthy, expensive and any costs awarded in successful prosecutions rarely cover the expenditure incurred by the council.

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- c) To consider commissioning a national strategy to tackle fly tipping with a knowledge sharing platform for local authorities to benefit from best practice

37 **NEW POLICING MODEL (AGENDA ITEM 12C) (agenda item)**

This motion was withdrawn by the Independent Residents' Group and resubmitted for debate at the next Council meeting.

38 **VOTING RECORD (agenda item)**

The record of voting decisions is attached as **Appendix 5**.

Mayor

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Appendix 1

Announcements by Leader of the Council – Full Council – 15th July 2015

- Mr Mayor – I'd like to start by echoing your congratulations to our Chief Executive, Cheryl Coppel on being awarded the Order of the British Empire by the Queen in Her Majesty's birthday honours last month.
- The OBE was awarded for services to local Government, over a forty year career, which has included twenty years as a Chief Executive – first at Slough Council and then here in Havering.
- During her career, Cheryl has also taken leadership roles within London on Children's Services and she is now a Trustee with the Centre for Ageing Better.
- She has provided tremendous support to us all in this chamber and steered the Council through some very challenging times.
- When Cheryl was given the honour, she commented that it also reflected the efforts of her colleagues. On that note, we will shortly say goodbye to Joy Hollister – which we reflected on at last month's meeting.
- I wanted to update members on the search for a suitable replacement for Joy.
- We are undertaking a very thorough search for the most suitable candidate – and that task is ongoing.
- In the meantime, I'm very pleased to welcome Isobel Cattermole to Havering as interim Director of Children, Adults & Housing.
- Isobel is very experienced, having held leadership positions in the social care departments at a number of London Boroughs and major Councils across the country and I'm sure she will provide excellent support until a permanent Director is appointed.

- Since our last meeting there has been the Chancellor's special budget. The ongoing detailed implications for local government will not be known until the Spending Review in the late Autumn. However upon the basis of the information and projections which are known progress is being made on preparing further budget savings options for consultation
- Ever since the start of this period of Government austerity in 2010, unlike many other Councils, Havering did not sit back and bury its head in the sand, pretending it wasn't happening or dwindling reserves on running day to day services. Havering has taken a sound, pragmatic and often visionary approach to managing the pressures on our budget.
- However, we can never be complacent and sit back, as I said at Annual Council, we all know that we have challenges ahead; it was not a secret that we had only set a two year budget, with a further two years to close.
- Rightly, we waited till after the outcome of the General Election before addressing the final two years of the period. And we are also looking beyond – to a time when the reduction in Government grant will leave us effectively self-funding.
- I also spoke about actively engaging opposition groups as part of this and that we would consider any budget proposals that come forward. To support that engagement and to try to make it as meaningful as possible I have agreed a number of actions with officers.
- Firstly, in the next few weeks each of the political groups will be invited to have a presentation from the Director of Communities & Resource outlining the financial challenges that we currently face. This will set the context for you about the financial gap which will need to close and some of the risks currently facing the organisation. This will then formally come forward in a Cabinet report in September, although the detail of what it truly means for Havering will not become apparent until later in the year after the Comprehensive Spending Review and the draft settlement.

- Secondly, it is often said that is hard to put up alternative budgets due to lack of information around the budget, so to help with this through late August and into September we will be running 6 member briefing sessions, open to all political groups that will outline service spend, performance, income, and where potential savings could be made, or radical decisions taken. The dates and times of these will soon be sent out to all members.
- One the back of these we will be asking for any savings suggestions by other groups to be put forward for the end of September so there is time for them to be considered and if appropriate reported to cabinet in October
- At the same time as trying to cope with budget challenges our work to improve Havering also goes on.
- When we set out our vision of a clean, safe and proud Borough - that would continue to thrive despite the budget cuts - we said that we would lead by example and run a cost-efficient council.
- A big part of that efficiency is found through partnership working – such as our support service partnership with Newham called oneSource.
- The oneSource partnership was based on the premise that sharing support functions like HR, legal services, accountancy and ICT with other councils would reduce overheads and allow us to preserve more of our funding for frontline services to residents.
- I'm pleased to report that we have opened discussions with Bexley Council on joining the oneSource partnership. Talks are at an early stage, but integrating Bexley into oneSource and continuing to look for other partners in the future, could deliver more potential savings for Havering, that do not need to be found by cutting our services to residents or restricting our efforts to improve our Borough.

- Those improvements can be achieved and last month, the Mayor of London confirmed as expected the success of our bid for Housing Zone funding. Around £40 million will be made available to unlock the potential of Beam Park and surrounding areas in the south of the Borough.
- We can now start bringing forward the improvements in the area that will make the new garden suburb a vibrant and attractive place to live – including new green spaces, the transformation of the A1306 into a smart, tree-lined boulevard, new homes, a new station, new school and new health facilities.
- It's an exciting new chapter for Havering, which – alongside the arrival of Crossrail and the new investment plans for Romford which we discussed at Cabinet – promises much for our Borough.
- We are establishing our approach to new investment and regeneration – which is about attracting the investment we need, but without sacrificing the quality of life we all enjoy.
- Whether in Romford, or in Rainham or elsewhere - we are determined to preserve what's best about our Borough, while ensuring that current and future generations of Havering residents can benefit from living in thriving and successful towns and communities.
- Finally I would like to refer to the Anniversary Games to be held at the Olympic Stadium on 25th and 26th July. On Sunday 26 July Londoners can be afforded an opportunity to see Paralympic stars like Hannah Cockcroft and David Weir in action
- The Mayor of London's office have offered a number of free tickets for London Boroughs to allocate to volunteers who have made a meaningful contribution to society
- If any members would like to make a nomination for a pair of volunteers to attend this significant event, please advise Guy Selfe in Culture & Leisure of their name and contact details as soon as possible
- Thank you

APPENDIX 2



Functions delegated by LBH and LBN to the Joint Committee	
A	General
A1	To have overall responsibility for the provision to the client Councils of the shared services
A2	To consider and approve the annual report of the activities performance and finances of the shared services operation
A3	To consider and approve the annual service plan for each shared service
A4	To determine the strategic direction of the shared services operation
A5	To determine any strategic issue referred to it by the Managing Director
A6	To advise the client Councils what financial resources are desirable for the delivery of the shared services operation for three financial years ahead from the current financial year
A7	To consider and approve the internal budget for the shared services operation within the overall financial constraints set by the client Council's and to make representation to the council's on the consequences of those restraints as appropriate.
A8	To incur expenditure within the OneSource revenue and capital budgets as approved by the Joint Committee, or as otherwise approved, subject to any variation permitted by the Council's contract and financial procedure rules.
A9	To incur expenditure within the revenue and capital budgets for the relevant service as approved by the Council, subject to any ICT variation permitted by the Council's contract and financial procedure rules.
A10	To oversee the delivery of programmes agreed by Council and Cabinet.
A11	After consultation with the relevant Cabinet Member to apply for, accept and a. manage external funding to an unlimited amount in support of any function; b. as above up to a financial limit of up to £500k.
A12	To accept grants and the terms and conditions thereof for and on behalf of the Council.
A13	To authorise the making of ex gratia payments up to the limit specified in the financial procedures where the Local Government Ombudsman has recommended that such payment be made in local settlement of a complaint.
A14	To authorise activities under the Regulation of Investigatory Powers Act 2000

Functions delegated by LBH and LBN to the Joint Committee	
A	General
A15	Acting as Council's reporting officer to the National Criminal Intelligence Service under the Proceeds of Crime Act.
A16	Payment of allowances in accordance with the "Croydon Scheme" to staff injured in the course of their duties must be made after consultation with Director of Human Resources or the Director of Legal & Governance.
A17	To approve applications for leave for trade union conferences and training courses after consultation with the Director of Human Resources.
A18	To approve payment of claims by employees for loss or damage to property and clothes up to the limit specified from time to time by the S151 officers. Payment above the limit specified from time to time.
A19	To grant permission for employees to undertake outside work or duties whether paid or unpaid subject to there being no conflict of interest.
A20	To approve honoraria payments after consultation with the Director of Human Resources.
A21	To implement any approved financial programme, including the authorisation of expenditure and procurement of goods and services in accordance with the financial regulations and procedures.
A22	Agreeing provision of goods materials or services to another body or person, provision of staff under S112 and S113 of the Local Government Act 1972 (or such other provision as may permit sharing of resources between public authorities) and deciding on the charges levied for such provision provided the decision will not incur additional costs or potential redundancy costs for the councils at the end of the arrangement. If there is a potential for additional costs for the councils at the end of the arrangement or redundancy costs arising to one of the councils the decision will require Mayoral approval (LBN) or Executive approval (LBH).

Functions delegated by LBN and LBH to the Joint Committee	
B	Finance (including Procurement)
B1	<p>To:</p> <ul style="list-style-type: none"> • Advise on revenue and capital budgets of the Council, including the Housing Revenue Account and advising on housing rent levels • Monitor the revenue and capital budgets of the Council, including the Housing Revenue Account
B2	<ul style="list-style-type: none"> • Levying, collecting and recovery of Council Tax in respect of dwellings in the Council's area under the Local Government Finance Act 1992 • The administration, collection and recovery of non-domestic rates and exercise of powers and duties under Local Government Finance Act 1988. • To prepare, deposit, alter and give any adopted non-domestic rating list under the Local Government Finance Act 1988. • Providing relief from non-domestic rates under Section 43, 45, 47 or 49 of the Local Government Finance Act 1988 as amended by Part 4 Localism Act 2011. • Power to levy discretionary discounts under Section 13A of the Local Government Finance Act 1992 • Exercise of the Council's powers and duties in respect of housing and Council tax benefits • Determine hardship payments and backdating including discretionary payments or discounts and calculation and recovery of over payments • Determining whether landlords or agents are fit and proper to receive payment of benefit direct. • Revise decisions on claims for housing or council tax benefit • Instituting proceedings, agreeing to any form of ADR in respect of collection of NNDR or Council Tax and other related enforcement action in respect of such options including attending creditor meetings, co-operating with administrators, trustees in bankruptcy, liquidators, receivers and exercising powers to seek administration, bankruptcy or liquidation in relation to debts owed to the Council. • Exercise of the Council's functions in relation to any Business Improvement District under the Local Government Act 2000
B3	<ul style="list-style-type: none"> • To write off sums which are irrecoverable pursuant to financial procedures • To settle claims on behalf of the Council in compliance with the Council's write off policy in compliance with financial procedures • Give instructions to debt collection agencies with regards to all processes pursuant to the financial procedures to recover debts owed to the Council • Serving statutory demands and placing and enforcing charges, recovering interest and expenses, appointing receivers. • Institute proceedings and enforcement action to recover debts • To exercise the Council's discretion to release information where statutorily permitted to do so in respect of any debt owed to the Council
B4	Authorising or approving purchase orders and payments pursuant to the limits set out in the financial procedures.

Functions delegated by LBN and LBH to the Joint Committee	
B	Finance (including Procurement)
B5	<ul style="list-style-type: none"> • To manage the Council's loan debt (including borrowing, investing or lending money on the behalf of the Authority), investments, and temporary investments, pension scheme and pension fund, insurance fund, act as registrar of loan instruments, manage all banking arrangements including numbers and types of accounts at all times subject to compliance to the financial procedures, Treasury Management Policy Statement and borrowing limits and Prudential Code. • To apply for any subsidy due to the Council • To prepare, propose and implement a treasury management policy statement, annual strategies pursuant to the councils' financial regulations and procedures. • To maintain relevant statutory accounts and registers in respect of the Council's financial arrangements as prescribed in the financial regulations.
B6	Approving all loans in accordance with the financial regulations and procedures.
B7	<p>To undertake all other financial matters arising within the Council, subject to the following requirements:</p> <ul style="list-style-type: none"> • authority to incur expenditure being approved or sanctioned by the Council or the Cabinet as appropriate pursuant to limits stipulated in the financial procedures or otherwise • powers of borrowing being exercised within guidelines agreed by the Council and any current codes of practice • all matters being within accepted accounting practice and standards and within statutory requirements • any necessary reference to the Council's external Auditors. • an annual report being presented to the relevant committee by 30 September in each year on the activities undertaken in respect of treasury management powers in the preceding financial year • reports of the external Auditors and other relevant Inspectorates upon the audit of the Council's activities being considered. • To make direct investments in local infrastructure assets as part of the Pension Fund local infrastructure portfolio after consultation with the Chair of the relevant committee. • All financial functions except ones retained by S151 officers of the respective councils.
B8	<ul style="list-style-type: none"> • With regards to contracts, obtaining quotes, to provide tender documents and specifications, invite tenders, evaluate tenders (PQQ) and make recommendations to award tender or select contractors using available frameworks in compliance with the council's procedure rules • Approving contractual documents up to the values stated in the financial procedures including contractual extensions and renewals, amendments or variations to contracts • Referring contracts to arbitration, terminating contracts, withholding payments, enforcing contract terms pursuant to financial procedures.

Functions delegated by LBN and LBH to the Joint Committee	
B	Finance (including Procurement)
B9	To approve commencement of a tendering process for all contracts up to the limit specified for all contracts in the contracts standing orders.
B10	To award contracts on behalf of both councils with a total contract value of under £5,000,000
B11	To sign contracts on behalf of the Council which do not require sealing.
Grants	
B12	Approving grants to voluntary organisations in accordance with the councils' policies and budget provision under any relevant legal powers
Insurance	
B13	To instruct the Council's insurers and, upon their advice, to negotiate and settle insurance claims up to limits provided for in the financial procedures
B14	<ul style="list-style-type: none"> Settling insurance claims – including claims for personal injury where the losses are insured including those below any excess and approve any settlements or other actions in respect of such claims. Includes any action to instruct insurance providers with regard to defending any actions or threatened actions. Provided any settlement is on advice from Director of Legal and Governance, Insurers and/or Director of Finance. Making provision for insurance in respect of the Council's functions, premises, property, employees, Members and third parties including self-insurance and the selecting of and accepting of tenders for insurance cover and related services which are considered to be best value
B15	Approving indemnities to officers/members including insurance cover. Provided with consent of the S151 officer/monitoring officer and is within the Council's agreed policy.
Fees & Charges	
B16	To implement approved fees, charges, rents etc and to ensure that proper arrangements exist for their collection.
B17	Setting Statutory Fees and Charges for services where the fee/charge is levied under a statutory obligation to do so.
B18	To monitor the implementation of the charging policy including any relevant deadlines. To advise on reviews of fees and charges.
Pensions	

Functions delegated by LBN and LBH to the Joint Committee	
B	Finance (including Procurement)
B19	To act upon and make decisions as a Pensions Panel consisting of the Director of Finance, Director of Human Resources/Organisational Development and Director of Legal & Governance for the purpose of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Scheme.
B20	<p>All decisions relating to the administration of the Superannuation Fund including making payments of remuneration or pensions, crediting contributions, dividends and interest and realising and making investments, providing notices to members, arranging for periodical valuations, actuarial certificates, keeping audited accounts and applying to the Secretary of State for forfeiture certificate</p> <ul style="list-style-type: none"> • Administration of Discretionary Pension powers. • Approval of any discretionary payments permitted by the Superannuation Act 1972. • To exercise all powers and duties of the Council as an employer. • To agree early retirements granted by any school governing body with delegated powers to do so and to make discretionary severance payments in accordance with regulations and guidelines for making such payments to non-school based staff.
B21	Suspending financial delegation to any school where there is a failure to comply with requirements of Financial Management under the School Standards and Framework Act 1998 (S51, sch 15).
B22	To make or enter into leasing arrangements for vehicles, plant and equipment.
B23	Pay any expenses incurred by Electoral Registration Officer
B24	Determining chargeable amounts payable by charities, non-profit making bodies, recreational clubs and societies and the exercise of any discretionary relief.
B25	Representing the Council at Appeals Service Tribunals
B26	<ul style="list-style-type: none"> • Exercising the councils' functions and powers to administer cautions and administrative penalties with regard to benefit offences under the Social Security Fraud Act 2001. • Applying for communications Data in accordance with the powers conferred by the Social Security Fraud Act 2001 •
B27	Authorising a prosecution for fraud by an employee or third party in accordance with the Fraud Prosecution Policy.

C Legal & Governance	
	Legal Proceedings
C1	To lay information, complaints and claims on behalf of the Council for the purpose of any proceedings before the Magistrates' Court, County Court and other courts and tribunals, including all civil and criminal proceedings.
C2	In so far as not referred to elsewhere. Instituting, proceedings, agreeing to arbitration or ADR, defending, entering a plea in, admitting facts in, giving and seeking disclosure in, settling (within budget), issuing cautions, seeking costs, taking relevant enforcement action, injunctions, confiscation and restraint orders and taking other relevant procedural action in respect of any actual or contemplated legal or other formal proceedings on behalf of or against the Authority and appearing by counsel or other person or to authorise an officer to so appear in any proceedings. Including all and any such action in relation to bringing or defending any appeal arising out of such legal proceedings.
C3	To defend all legal proceedings brought against the Council and to take any steps that are in his or her opinion expedient to that end.
C4	Instituting proceedings under Section 222 of the Local Government Act 1972.
C5	To arrange for the administration of all statutory appeals
C6	After consultation with the Director of Finance to settle claims in proceedings commenced or about to be commenced against the Council in a court or tribunal up to a limit of £250,000. Settlement of claims that exceed £250,000 require the approval of the relevant individual Cabinet Member unless the decision is required to be made immediately before, at, or during a hearing in which case the decision maker must report to the relevant Cabinet member for information.
C7	To sign, serve, advertise and receive notices and documents on behalf of the Council in relation to any formal or legal procedures.
C8	To serve requisitions for information and other documents to enable the Council to receive information in the pursuance of legal proceedings.
C9	Where the issue of any document, notice or order will be a necessary step in legal proceedings on behalf of the Council, to sign such document unless any enactment otherwise requires or unless the Council has given the necessary authority to some other person for the purposes of such proceedings.
C10	To authorise Council staff to represent the Council in proceedings in the County Court of the County Courts Act 1984 and the Magistrates Court under Section 223 Local Government Act 1972.
C11	To alter the financial procedures in Financial and Contract Procedures specifically relating to EU contracts and occurring either due to exchange rate changes or EU directed amendments.
C12	To give notice, publish and take any necessary action in respect of Compulsory

C Legal & Governance	
	Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and 1973 but not confirming CPO's
C13	Signing Statements of Truth, providing witness statements and statutory declarations in respect of matters within their own knowledge and giving evidence in person on behalf of the Authority
C14	Administering cautions in any criminal proceedings.
C15	Applying for Confiscation Orders, restraint, Charging Orders, deduction of wages, injunctions, possession and any other appropriate orders in connection with all criminal legal proceedings initiated by the Council
C16	To instruct and or seek the opinion of Counsel and or external solicitors to advise or represent the Council in the name of instructing solicitor
Authentication of Documents	
C17	Authorising/affixing the Authority's seal to deeds and other documents and sign any documents not requiring the authorities' seal.
C18	To prepare, approve and issue or serve all legal documentation.
C19	To certify as a true and correct record any documents in accordance with section 229 of the Local Government Act 1972.
C20	To sign or endorse any documents on behalf of the borough where so requested by a citizen.
C21	To authorise, serve or issue all statutory notices, approvals and licences under any enactment other than those specifically delegated to another officer
C22	To sign or endorse any documents on behalf of the borough where so requested by a citizen.
Administration	
C23	To develop and implement the Council's information governance policies and protocols.
C24	To exercise general use and hire of the Town Hall and other halls and buildings for the purpose of meetings and other authorised events in accordance with approved fee scales and principles and guidelines but to be able to waive or reduce scales of fees and charges in suitable cases. To exercise general management of the Council Chamber, Committee Rooms and other accommodation for Members, including any audio-visual or other information technology equipment installed

C Legal & Governance	
	therein.
C25	To approve arrangements for members' training.
C26	To approve the attendance of members at conferences or training events outside the borough but within the United Kingdom, including any travel and accommodation arrangements.
C27	After consultation with the Executive and the Chairmen of Committees as appropriate, to determine the schedule of meetings for each municipal year (including dates, times and places of meeting).
C28	To undertake all the administrative procedures for all statutory and non-statutory appeals, including Schools Appeals, Hearings Panels and any other panels or Sub-Committees required including but not limited to the appointment and re-appointment of independent persons for school appeals and other hearings, the selection of members or independent persons to consider specific cases, the consideration of applications for re-hearing of School Admission Appeals, the arrangement of panels and dates and the appointment of Chairmen of panels.
C29	Approving travelling and subsistence and any other claims of Members in accordance with the agreed Schemes.
C30	To grant use of the Council's coat of arms.
C31	After consultation with the Leader of the Group of which the previous appointee is a Member, to appoint a Member of the Council to fill a casual vacancy in any appointment to another organisation arising during the course of a municipal year.
C32	To act and make decisions on behalf of a pensions panel consisting of the Director of Finance, Director of Exchequer and Transactional Transactions and Director of Legal & Governance for the purposes of Stage 2 appeals within the Internal Dispute Resolution Procedure Regulations and exercising other discretions within the Local Government Pension Schemes.
C33	Waiving legal professional fees.
C34	Making any application to apply a caution, withdrawing any caution, objecting to any caution, registering, or objecting to notice or interest or restriction, applying to upgrade any title.
C35	To give notice, publish and take any necessary action including confirmation in respect of Compulsory Purchase Orders under the Acquisition of Land Act 1981 or any other enabling legislation, and pay or recover compensation, home loss, disturbance, serve notices, reach agreement, accept undertakings, instruct the Services to issue notices, warrants for possession, redeem mortgages, approval of claims for successful objectors and such functions and powers position to Compulsory Purchase (Vesting Declarations) Act 1981, and Compulsory Purchase Act 1965 and any other related legislation and Land Compensation Acts 1961 and

C Legal & Governance	
	1973.
C36	To register a notice, apply for a certificate, under The Rights of Light Act 1959 Section 2.
C37	To publish notice of any intention to dispose of open space under The Local Government Act 1972 and The Town and Country Planning Act 1990.
C38	To agree payments for relevant professional fees incurred by the Council, by lessees or prospective lessees of the Council's commercial premises.
C39	To serve any notices and exercise any powers and duties including payment of compensation arising out of the Council's ownership of land.
C40	Approving compensatory payments under section 92 Local Government Act 2000.
C41	Providing legal support (including payment of external lawyers' fees etc.) to staff assaulted in the course of their duties. Includes agreeing any conditions applicable including a cap on contributions and circumstances for repayment.
C42	Authorising officers to use powers of entry and seizure where permitted in law.
C43	Applying to register any Land Charge, search the Land Charges Register pay any request fee and request Office Copy Entries from Land Registry
C44	Serving notice on registered keeper of vehicle requiring information about the identity of driver person in charge of the vehicle in relation to any offence concerning the vehicle and to bring proceedings for failure to provide information.
C45	Serving notices on occupiers of any land or premises requiring them to furnish information regarding details of all those with an interest in the land.
C46	Issuing Right to Buy completion notices, and all other action in relation to RTB sales and assignments providing certificates in respect of non-registered land (Right to Buy and other) paying relevant stamp duty land tax, waiving RTB discount repayments, Registry Charges/Local Land Charges, creating, waiving and enforcing easements and covenants, and discharging mortgages on behalf of the Authority and such other actions maybe necessary in relation to the sale, purchase or enforcement/creation of rights of land or property.
C47	Authorise the taking of photocopies of material open for public inspection under a statutory requirement as permitted by copyright Designs & Patents Act 1984.
C48	Providing legal support (including payment of external lawyers' fees etc.) to staff assaulted in the course of their duties. Includes agreeing any conditions applicable including a cap on contributions and circumstances for repayment.
C49	To name, rename, number and renumber streets and premises. [LBH only]

C	Legal & Governance
C50	To maintain the register of highways that are maintainable at public expense [LBH only]

D	ICT/BUSINESS SYSTEMS
D1	To develop the Council's e-government and t-government strategies.
D2	To develop the Council's information systems, and information technology and e-government strategies.
D3	To develop the Council's information and communications technology strategies including the supply, withdrawal, data protection, security and integrity of the systems to staff and members.
D4	To supply connections and services to public sector partners and other organisations, provided that the integrity of the Council's information systems is maintained.
D5	Agreeing arrangements for the use of any spare capacity in any computers or associated equipment owned by the Council under Section 38 of the Local Government (Miscellaneous Provisions) Act 1976
D6	Approving sales of computer software developed and owned by the Council
D7	Agreeing policies procedures and standards relating to the security, integrity and accessibility for ICT infrastructure and systems

E	STRATEGIC HUMAN RESOURCES
E1	To develop and implement the Council's human resources, organisation development, remuneration and occupational health strategies.
E2	Implementing policies and procedures for recruitment, retention, change/reorganisation, redundancy, redeployment, absence, capability, conduct, Terms and Conditions of Employment, including dismissal of staff.
E3	To implement any decisions and recommendations of recognised national negotiating bodies in respect of pay. Where a supplementary estimate is required, the cost must be reported to the Cabinet.
E4	To implement decisions and recommendations of recognised national negotiating bodies on all employment matters including terms and conditions of employment. Where there is a cost implication, a report must be made to the Cabinet.
E5	<p>Subject to appointments, dismissals, assimilation and redundancies for Heads of Service and above being authorised by Appointments Committee, to implement the procedure for any senior management re-alignment or restructuring including;</p> <ul style="list-style-type: none"> (i) Achieving any necessary reduction through voluntary redundancy; (ii) Considering applications from unaffected Heads of Service or above which would create a suitable alternative employment opportunity for an affected Head of Service or above; (iii) Deciding upon the ring fence arrangements and inviting applications for assimilation; and (iv) Arranging advertisements and assessment centres, and, subject to compliance with Contract Procedure Rules, appointing external recruitment consultants.
E6	To amend HR policies where necessary in consequence of legislative, organisational or other changes that have no adverse financial effect.
E7	Approval of staffing and service related Equalities Impact Assessments
E8	Comply with and exercise powers and duties of the Authority as an employer under the Transfer of Undertakings (TUPE) Regulations.
E9	Appointing or engaging trainers to facilitate the Council's corporate training scheme and managing the corporate management training programme in compliance with relevant procurement rules.
E10	Consulting with recognised Trades Unions and in particular in respect of redundancies under the Trade Union and Labour Relations (Consolidation) Act 1992, s.188 including giving all appropriate notices.

E11	Complying with, exercising and performing powers and functions of the Authority as an employer under the Trade Union and Labour Relations (Consolidation) Act 1992.
E12	Giving notice of redundancy, make redundancy payments, serve counter notices and written statements of redundancy calculations under Employment Rights Act 1996.
E13	Exercising any powers in respect of statutory sick, parental, incapacity or industrial injuries pay under The Social Security Administration Act 1992, Social Security Contributions and Benefits Act 1982 or in relation to the reserve forces under the Reserve Forces (Safeguard of Employment) Act 1985 and Reserve Forces Act 1996.
E14	Giving effect to a governing body's decision in respect of the remuneration and other terms of employment of school teachers and any pay and conditions orders made by the Secretary of State in accordance with any guideline issued under Education Act 2002.
E15	Applying for and giving notices or information in respect of any attachment of earnings orders made in relation to any debtor who is an employee of the Council under Attachment of Earnings Act 1971.
E16	Approving applications for specific staff monitoring where warranted under the Council's policy and in accordance with the Information Commissioners Code.
E17	Making recommendations to the relevant committees in respect of the Council's whistle blowing policy.

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)
F1	To be responsible for the strategic management of the Council's property portfolio including corporate strategy and asset management, procurement of property and property services, planned and preventative maintenance programmes, property allocation and use, reviews, acquisitions and disposals and commercial estate management, subject to restrictions and limits in the following powers:
F2	Prepare, propose and implement a Corporate Asset management Plan and Corporate Property Strategy for the Council's property assets.
F3	To conduct preliminary negotiations, negotiate, agree and conclude all property matters including property valuations for all purposes.
F4	To undertake marketing of any Council property.
F5	To instruct external property advisors, surveyors, auctioneers and consultants where necessary on property transactions.
F6	To agree and incur reasonable pre-sale expenses up to a limit of £100,000 per transaction when disposing of property, such expenses to be offset against the capital receipts arising.
F7	The disposal of any freehold or leasehold land where the capital value does not exceed the maximum amount delegated to officers in financial procedures.
F8	The disposal of any land or property subject to a statutory requirement to do so.
F9	The acquisition of freehold or leasehold land where the capital value does not exceed the maximum amount delegated to officers in financial procedures.
F10	The disposal of assets other than land provided the best possible price is obtained.
F11	The disposal of assets other than land with no value (NB this does not extend to disposals at nil value/peppercorn where the asset has a value).
F12	Management, insurance and maintenance of all corporate property.
F13	Applying for planning permission in respect of Council owned land.
F14	Entering into planning and highway agreements in respect of Council owned land.
F15	Serving notices to quit, notices seeking possession and tenants notices; exercising any duty to compensate in respect of land matters or re-housing matters; enforcing covenants; serving notices relating to land and attendant procedures, and disposal of property left on land. Granting wayleaves and easements to and enter similar agreements with statutory undertakers and other bodies, extinguish rights of statutory undertakes and pay compensation.

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)
F16	Licensing of access works and demolition on Council owned land and property.
F17	To agree or request guarantee agreements, rent deposits, overriding leases, releases from covenants, to seek mortgagor's consent where required.
F18	To publish notice of intention to dispose of open space.
F19	To make applications to the court or tribunal and all attendant procedures upon matters relating to Council land.
F20	To carry out and conclude rent reviews or lease renewals.
F21	To negotiate all relevant terms including payment of professional fees in respect of the letting and management of commercial premises and implement all agreements.
F22	To exercise all powers and duties under the Landlord and Tenant Acts, this may be exercised by the Council as landlord or tenant.
F23	To propose alterations to the valuation list or raise objections to an proposed alterations or appeal against valuation decisions and to agree the settlement of all such matters.
F24	To exercise all powers and duties of the Council as landowner in relation to Compulsory Purchase matters.
F25	To maintain the Council's list of Assets of Community Value and to determine applications for inclusion on that list and in respect of appeals and all attendant procedures.
F26	To maintain the Council's register of land held by public bodies.
F27	Management, maintenance, provision and hire of public halls and buildings owned/occupied by the Council, including provision of security services.
F28	To serve demands, place and enforce charges, appoint receivers or debt collection agencies, issue legal proceedings or any other enforcement or other action in relation to debts and interest thereon owed to the Council.
F29	To exercise all powers relating to Romford Market including granting and revoking licences and enforcing relevant byelaws (LBH).
F30	To exercise all powers and duties in relation to concessionary fares and similar schemes, including the taxicard scheme and to issue minibuses and other permits to appropriate organisations (LBH).
F31	Following notification to relevant ward members, to vary but not extend existing agreements for mobile phone masks at school sites in circumstances where

F	ASSET MANAGEMENT (INCLUDING PROPERTY STRATEGY)
	installations are to be upgraded and lower emissions will result and to grant Landlord's consent (LBH).
F32	To ensure compliance with the Council's Carbon Reduction Commitment Energy Efficiency Scheme (LBN).

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Council, 15 July 2015

Agenda Item 9: Question on behalf of the Residents' Group in response to report of an Executive Decision

Question

Whilst the long overdue investment into Harrow Lodge Park is very welcome, would the Cabinet Member reassure this council that the investment will focus its priority spend and action on ensuring the health and wellbeing of both the public and the park's wildlife, the latter of which again recently suffered significant loss following the lake being contaminated. Furthermore, would the Cabinet Member confirm in writing to all members, a full timetable of what actions will be taken and by when, including actions to be taken by third parties such as Thames Water.

Response

The Council is in the middle of a long term investment programme to improve parks and open spaces in the borough. The Council currently has 9 Green Flag parks and is intending to secure this status for a further 4 parks in the next two years, including Harrow Lodge Park. This investment forms part of an overall programme to make residents feel more proud of the borough they live in.

Unfortunately there has been a recent loss of wildlife in the two lakes in Harrow Lodge Park, The Environment Agency (EA) have confirmed that the loss of fish was caused by lack of oxygen in the water, caused by a storm surge in the River Ravensbourne, the river that runs through the park. The EA have advised the Council that similar problems occurred in several lakes around the country and there is no evidence to indicate that the recent problems were caused by contamination or pollution in the lakes.

The recent surge in the water also resulted in the bacteria containing botulism being reactivated, resulting in some deaths of birds, although on a smaller scale than similar incidents in the past.

The Council has taken action to improve the level of oxygen in the two lakes in the past year. The dredging and removal of a large amount of silt in one of the lakes has recently been completed and the dredging of a second lake is planned as part of the investment that will be made to secure Green Flag status by July 2017. The Council is also looking in to the option of repairing the Pump House to prevent as much silt entering the lakes as possible. In addition the Council is intending to install three more aerators, in the next couple of months, to further increase the level of oxygen in the lakes. It is hoped that these actions will reduce the risk of further loss of wildlife in the future.

The Council has faced separate problems in relation to sewerage occasionally entering the park. The management of the sewerage and drain water, which runs through the park in underground pipes, is the responsibility of Thames Water (TW), not the Council. Unfortunately, in periods of very high rainfall, sewerage is forced out of the pipes and into the park, through a number of drain covers. Thames Water

have a track record of effectively dealing with these issues very quickly and, earlier in the year, they advised the Council that they had cleared the pipes that run through the park to prevent blockages (following representations by the Council). However, the Council is not happy about the current state of affairs and is looking for a long term solution to the problem.

Council officers recently met with representatives of the EA and TW to discuss what actions could be taken by TW to improve the situation. At that meeting TW agreed to undertake a further study, to see what improvements could be made. This study is due to be provided to the Council ahead of a second meeting that is planned for September 2015. The Council is aware that TW will be required to spend several million pounds to completely resolve the problem (a figure of £10m plus has previously been referred to). The Council is also aware of its position in legal terms, having secured Counsel's opinion on the issues that need to be addressed. The Council's position will be considered further after the September meeting, in the light of the legal advice that has been received and it is not possible to comment further on this matter at this point in time.

The above actions form part of an overall action plan to deliver investment in to Harrow Lodge Park. Other works that will be progressed in the next year include setting up a Friends Group (the first meeting is planned on 28th July 2015); re landscaping the area around the lake that has just been dredged; completing improvement works to the café; re opening the public toilets (to be managed by the café operator); improving the "parks furniture" (benches, signs, bins, gates and boundary features); removing redundant features (eg old railings no longer serving a useful purpose); providing new and improved pathways; improving sports and play facilities; improving car parking surfaces; undertaking various tree and scrub clearance works; landscaping works and new planting.

**FULL COUNCIL,
MEMBERS' QUESTIONS**

1) To the Cabinet Member for Culture, Councillor Wallace.

From Councillor Mugglestone

In order to demonstrate the Administration's commitment to remembering those Havering citizens who have either lost their lives in armed conflict abroad and at home, would the Cabinet Member make a commitment to ensure that all names that should be included on the various war memorials in the borough are completed as soon as possible and for steps to be taken to ensure that all those who have lost their lives over the past 50 years are traced and included in the Roll of Honour.

Answer:

We are seeking advice from the war memorial trust about adding names that should have previously been included on to the Borough's War Memorials and how to ensure that the correct names are added and the right approvals secured.

The Council is quite rightly committed to remembering Havering citizens who have lost their lives in armed conflict, either abroad or at home, and will ensure that those who have died are recognised in an appropriate manner.

In response to a supplementary question, The Cabinet Member confirmed that as much time as possible would be given to researching names to be included on the Roll of Honour. Research was being undertaken with the War Memorial Trust and this organisation would give guidance to the Council on which names should be included.

2) To the Cabinet member for the Environment, Councillor Benham

From Councillor Glanville

In view of concerns about dog fouling expressed by residents it would be helpful to get some idea of the scale of the problem; would it therefore be possible to know how many incidents of dog fouling have been reported to Streetcare over the past twelve months and how many fines have been issued in that period?

Answer:

For the twelve months to March 2015 there have been 625 reports of dog fouling made via CRM. During that time there have been 2 Fixed Penalty Notices issued, although there have been no prosecutions.

It should be remembered that it's difficult to capture evidence of dogs fouling the pavements as offenders have to be caught in the act. This is why we've had a low number of fixed penalty notices issued. We have a very small team covering a very large area.

We're also exploring the use of CCTV to capture footage of those responsible, publicising this and encouraging the public to provide more information in reports. This will help us to establish patterns around repeat offenders and help catch them in the act.

I'm looking at working with the People's Dispensary for Sick Animals (PDSA) on its responsible dog owners campaign. In addition, we're preparing to install more dog bins around the borough and, as with previous years, we'll be giving advice to residents and free pooper scoopers at the Havering Show.

In response to a supplementary question, the Cabinet Member agreed to meet with Councillor Glanville separately in order to discuss ways of dealing with the issue of dog fouling.

3) To the Cabinet Member for the Environment, Councillor Benham

From Councillor Reg Whitney

Would the Cabinet Member confirm why the former NALGO site in North Street, Hornchurch has been left creating an eyesore in the Town Centre.

Answer:

We are looking at ways to smarten up the hoardings that are around the site. They had been left in place after the demolition works in order to secure the site and protect against public access but they do need looking at and I understand a designer has already visited. We are considering a number of options for the site and want to make sure they are right and appropriate for the area. No decision has been made as yet but work is continuing on possible future uses for the site.

In the meantime, we will be cleaning-up the site, cutting back overgrown plants and having the grass mown. This will improve the overall appearance of the site.

In response to a supplementary question, the Cabinet Member confirmed that options for exploring the future use of the site were currently being explored.

4) To the Cabinet Member for Regulatory Services, Councillor Dervish,

From Cllr Williamson

Given the present consultation on the Borough's intended Local Plan, does the Administration have any plans, or is it open to suggestions, of removing or re-designating Green Belt land?

Answer:

A review of greenbelt land is part of the new Local Plan for Havering. The initial consultation on the plan took place between February and March and a number of owners of Green Belt land are promoting their sites for development through the local plan process. However, it is important to note that all proposals will be reviewed in line with national planning policy and that no decisions have been made yet

In response to a supplementary question, the Cabinet Member agreed that Green Belt land should be protected. If however, Green Belt land was for example surrounded by other land or houses or able to be swapped for a larger area of Green Belt land, then options should be explored in instances such as this.

5) To the Cabinet Member for the Environment, Councillor Benham

From Councillor Wood

Would the Cabinet Member confirm that private vehicles and commercial vehicles are treated in exactly the same way when considering parking violations.

Answer:

Civil Enforcement Officers (CEOs) treat all vehicles equally when patrolling. If an officer witnesses a contravention, then, following a suitable period of observation, action will be taken. Decisions by officers to enforce parking contraventions and issue Penalty Charge Notices (PCNs) are not influenced by the type of vehicle involved.

However, to support commercial activity there is a legal requirement to allow additional observation time for loading and unloading. As this is mainly carried out by commercial vehicles, it may look like someone is getting preferential treatment but this is not the case. It's important to make it clear that all decisions about issuing PCNs to commercial vehicles are based on individual circumstances and our CEOs are expected to use a healthy dose of common sense.

In response to a supplementary question, the Cabinet Member indicated he was willing to investigate reports of commercial vans not being ticketed by Civil Enforcement Officers, if Councillor Wood could provide details. Some commercial vehicles were however granted a license to park temporarily.

6) To the Leader of the Council, Councillor Ramsey

From Councillor Rumble

The council produces a number of publications such as Living, in Havering plus housing specific ones.

In total how many publications are there and what is the total print run per year?

The Council produces a number of stand-alone publications, but only a few regular publications for residents or staff. We do, of course, produce Living in Havering four times a year. 106,000 copies are distributed to homes and businesses across the borough.

We also produce four editions per year of At the Heart magazine, sent to 12,000 council tenants and leaseholders, and 900 copies of Sheltered Times sent to residents living in our sheltered accommodation. There is also an internal magazine for staff – we print around 2,000 copies every two months.

We are increasingly circulating material to residents electronically. More than 50,000 people currently subscribe to our email updates on various subjects and we want to continue to grow and develop this channel. However, at the moment Living in Havering and the other regular publications are a very effective way to inform and engage our residents and so they remain part of the mixture of different ways we communicate with local people.

In response to a supplementary question, the Leader of the Council confirmed that advertising in Council publications was sought where possible and he would be grateful for any further advertising that could be secured. It had been cost effective to insert legal notices in Living in Havering but this was no longer possible as the Council was prevented legally from publishing any more frequently. It was possible that Living in Havering could be put on-line but again, current Regulations prevented any more frequent publication on-line.

7) To the Cabinet Member for Culture, Councillor Wallace

From Councillor Nunn

Would the Cabinet Member confirm the cost of employing consultants for the “Open Spaces Needs Assessment” and that given the current climate of cuts whether this is essential spending.

Answer:

The Havering Open Space, Allotment, Sport and Recreation Needs Assessment has been commissioned at a cost of £64,896 (excluding VAT).

This is part of the new Local Plan for Havering. In line with national planning policy, the new Local Plan is required to be supported by a robust and up-date assessment of the needs for open space, sports and recreation facilities in the Borough.

It will provide us with an audit of the current provision of open space, sports facilities and playing pitches, an assessment of current and future needs to help identify any over or under supply, or quality or accessibility issues and recommendations on how these can be addressed.

In response to a supplementary question, the Cabinet Member stated that it was necessary to reassess the previous report on this that had been completed 10 years ago in order to modernise and equip facilities moving forward.

8) To the Cabinet Member for Financial Management, Councillor Barrett

From Councillor Durant

Following the localisation of council tax support and a 10% cut in government funding the Administration made changes to recoup the shortfall. These changes included seeking a partial council tax payment from disabled residents and this change was included and passed in the February Budget. However on 23rd June local resident and former councillor Mark Logan took this matter to the Royal Court of Justice to seek a Judicial Review of this change in defence of disabled people.

Please explain this legal action and provide an update about the outcome of court proceedings, the anticipated costs and the Council's intended response regarding this equality issue.

Answer:

As colleagues will appreciate, Court proceedings are currently on-going and therefore it would be inappropriate to comment on the specific issues and actions the Council is taking. However, I can confirm that Mr Logan has been granted permission to pursue a case for judicial review of Havering's Council Tax Support Scheme following a hearing at the High Court on 23 June. The Council continues to defend the case. The final hearing is currently scheduled for September.

Currently it is not possible to assess the costs involved as the extent of the court action is not known at this time.

The decision to reduce Council Tax Support for working age claimants by 15% was difficult to take, but I am sure all members would have read the paperwork fully when Full Council approved the budget back in February 2015. I can also confirm that a full Equalities Impact Assessment was completed as part of the process and taken into account as part of the decision making process.

In response to a supplementary question, the Cabinet Member agreed that funding formulas had penalised Havering and added that there had been a 10% shortfall in funding received for the Council Tax Support Scheme. The Cabinet Member reiterated that the outcome of the court proceedings was likely to be known in September.

9) To the Cabinet Member for the Environment, Councillor Benham

From Councillor Morgon

Would the Cabinet Member confirm what steps are being taken to ensure that Serco honours its contract by ensuring orange sacks and cardboard is placed in the Recycling section of the vehicles and that batteries and small electrical items are placed in the appropriate section of the vehicle.

Answer:

We have a dedicated contract monitoring officer who carries out daily spot checks on all collection crews. This involves making sure that all recycling, batteries and general waste are deposited in the correct compartment on the vehicle. Where issues are identified or reported, they are taken up with the contract manager at Serco, and when appropriate, there are financial penalties. We also carry out extra spot checks on any crews that have been reported to us to make sure they are working correctly.

In addition, monthly contract liaison meetings are attended by a Serco Director. At the most recent meeting we questioned the level of team supervision provided by Serco, and as a result there will be more supervision every day. We are also exploring the possibility of using CCTV to capture footage of those responsible, publicising this and encouraging the public to report incidents. This should improve all aspects of the service.

In response to a supplementary question, the Cabinet Member agreed to investigate reports of crews not disposing of recycling correctly if Councillor Morgon could provide further details.

10) To the Cabinet Member for Housing, Councillor D. White

From Councillor De Wulverton

How many council tenants were evicted over the last 12 months?

Answer:

In the last financial year there have been a total of 58 evictions. The majority, 49, were due to rent arrears, and the remainder, 9, were because of a breach in their tenancy agreements.

Recently the Council has set up a Post Eviction Working Group which has officers from both housing and social care working together to look at the figures, see what they are telling us about the circumstances, and to use that information to put in place changes at the early pre-tenancy stage to reduce the possibility of evictions.

The Cabinet Member assured the Council that at the point of eviction the Council would have explored every avenue that would have allowed people being evicted to remain as tenants, including making realistic arrangements for repayment of arrears.

11) To the Leader of the Council, Councillor Ramsey

From Councillor Matthews

Would the Leader of the Council confirm his view and that of NELSA in agreeing with organisations such as London Councils and London Chamber of Commerce for business rates to be determined locally.

Answer:

It is my view that I do agree with the organisations which are calling on the government to give the power to local authorities to set their own business rates.

If these changes were implemented under the review, this council would be able to more appropriately respond to local needs. Each borough is different and has its own issues to consider and more power over business rates would allow us to go that extra mile to promote growth and prosperity among local businesses in Havering.

But I have to emphasise I do not speak on behalf of all NELSA members as this is not for NELSA to decide on.

12) To the Cabinet Member for Regulatory Services, Councillor Dervish

From Councillor Deon Burton

In view of the existing and pending applications for gravel extraction, landfill and housing development in the south of the borough, will the Council undertake regular tests of air quality to comply with GLA policy and ensure that planning conditions are put in place to minimise dust and ensure air quality is maintained and improved?

Answer

We always do ensure any major planning applications are assessed for potential impact on air quality and the necessary conditions are put in place and any reports submitted by developers are assessed by the Council's technical specialist in air quality.

Developers are also encouraged to discuss any potential air quality impacts with officers before submitting their application to ensure these matters are dealt with at the earliest possible opportunity.

Havering has better air quality than many other London Boroughs and we are currently meeting EU targets which is the basis for GLA policy.

In response to a supplementary question, the Cabinet Member stated the did not feel a higher number of chest in infections in the Rainham area was due to poor air quality as these conditions could be caused by any number of factors.

13) To the Cabinet Member for the Environment, Councillor Benham

From Councillor Alexander

Would the Cabinet Member confirm whether there are problems with timers on the new LED street light lanterns. (Cllr June Alexander)

Answer:

We are aware that the new LED lanterns that have been installed across the borough are faulty, and are demanding that the manufacturer replaces the lanterns and pays for the replacements to be fitted.

In response to a supplementary question, the Cabinet Member added that all avenues were being explored in order to rectify this situation and that legal action had not been ruled out.

14) To the Cabinet Member for Regulatory Services, Councillor Dervish

From Councillor Webb

Can the Leader provide a comprehensive update on the progression of the introduction of the Article 4 Direction in the borough covering HMOs?

Answer:

We are progressing well with introducing the Article 4 Directions and these are on target to be in action in 12 months' time.

The Council made two Article 4 Directions July earlier this week to remove permitted development rights for changes of use from dwelling houses to a house in multiple occupation (HMO).

The first Direction covers Brooklands, Romford Town, Heaton and Gooshays wards. The second Direction covers the whole of the Borough, excluding those wards. This provides a belt and braces approach.

For the reasons set out within the 13 May Cabinet Report, non-immediate Article 4 Directions will be made. A consultation began two days ago and will run until 31 August and full details are available on the council's website.

Subject to a successful consultation period and the Directions being agreed by the Council, both Directions would come into effect in 12 months' time.

15) To the Leader of the Council, Leader of the Council, Councillor Roger Ramsey

From Councillor Darvill

What is the agreed/proposed timetable for commencement of works for construction of the new Romford Leisure Centre and the estimated time for completion of the works and opening for the public of the Centre.

Answer:

The timetable for the leisure centre has slipped but we are in final contractual negotiations which, when completed, will mean works can start on the Western Road site and we will update our programme accordingly. Members may be aware of press reports suggesting that Morrison's have put the Rom Valley way site on the market and I

would like to be quite clear that we're determined to hold Morrison's to their contractual obligations - which will deliver a new leisure centre for Romford, as planned.

Morrison's do not yet own the Rom Valley Way site – and the only way they will own it is to deliver the leisure centre as promised on Western Road. If, having met their obligations, Morrison's then choose to sell the Rom Valley Way site, we will use all of our planning powers to ensure that the site is developed appropriately and in keeping with the needs of the town.

In response to a supplementary question, the Leader of the Council confirmed that all contractual conditions had been met on the Council's side. The delay had been due to Morrisons not taking the required steps. Morrisons would be held to the contract and the Council would take the appropriate action if this did not happen.

The Leader of the Council added that it was difficult at the present time to give meaningful timescales. The next step in the project would be to demolish part of Exeter House and this could be done quite quickly. The construction contract could also be let quickly. While a specific timescale could not be given at this stage, the Leader confirmed that the Council would not put up with further delay to the project.

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VOTING RECORD

<i>DIVISION NUMBER:</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>
The Mayor [Cllr. Brian Eagling]	✓	✗	✓	✓	✓	✓	✗
The Deputy Mayor [Cllr. Philippa Crowder]	✓	✗	✓	✓	✓	✓	✗
<u>CONSERVATIVE GROUP</u>							
Cllr Roger Ramsey	✓	✗	✓	✓	✓	✓	✗
Cllr Robert Benham	✓	✗	✓	✓	✓	✓	✗
Cllr Ray Best	✓	✗	✓	✓	✓	✓	✗
Cllr Wendy Brice-Thompson	✓	✗	✓	✓	✓	✓	✗
Cllr Joshua Chapman	✓	✗	✓	✓	✓	✓	✗
Cllr John Crowder	✓	✗	✓	✓	✓	✓	✗
Cllr Meg Davis	✓	✗	✓	✓	✓	✓	✗
Cllr Osman Dervish	✓	✗	✓	✓	✓	✓	✗
Cllr Jason Frost	✓	✗	✓	✓	✓	✓	✗
Cllr Steven Kelly	✓	✗	✓	✓	✓	✓	✗
Cllr Robby Misir	✓	✗	✓	✓	✓	✓	✗
Cllr Garry Pain	✓	✗	✓	✓	✓	✓	✗
Cllr Dilip Patel	✓	✗	✓	✓	✓	✓	✗
Cllr Viddy Persaud	✓	✗	✓	✓	✓	✓	✗
Cllr Carol Smith	✓	✗	✓	✓	✓	✓	✗
Cllr Frederick Thompson	✓	✗	✓	✓	✓	✓	✗
Cllr Linda Trew	✓	✗	✓	✓	✓	✓	✗
Cllr Melvin Wallace	✓	✗	✓	✓	✓	✓	✗
Cllr Roger Westwood	✓	✗	✓	✓	✓	✓	✗
Cllr Damian White	✓	✗	✓	✓	✓	✓	✗
Cllr Michael White	✓	✗	✓	✓	✓	✓	✗
<u>RESIDENTS' GROUP</u>							
Cllr Ray Morgon	✓	✗	✓	✓	✓	✓	✗
Cllr June Alexander	✓	✗	✓	✓	✓	✓	✗
Cllr Nic Dodin	✓	✗	✓	✓	✓	✓	✗
Cllr Jody Ganly	✓	✗	✓	✓	✓	✓	✗
Cllr Barbara Matthews	A	A	A	A	A	A	A
Cllr Barry Mugglestone	✓	✗	✓	✓	✗	✓	✗
Cllr John Mylod	A	A	A	A	A	A	A
Cllr Stephanie Nunn	✓	✗	✓	✓	✗	✓	✗
Cllr Reg Whitney	✓	✗	✓	✓	✓	✓	✗
Cllr Julie Wilkes	A	A	A	A	A	A	A
Cllr John Wood	✓	✗	✓	✓	✓	✓	✗
<u>EAST HAVERING RESIDENTS' GROUP</u>							
Cllr Clarence Barrett	✓	✗	✓	✓	✓	✓	✗
Cllr Alex Donald	✓	✗	✓	✓	✓	✓	✗
Cllr Gillian Ford	✓	✗	✓	✓	✓	✓	✗
Cllr Linda Hawthorn	✓	✗	✓	✓	✓	✓	✗
Cllr Ron Ower	✓	✗	✓	✓	✓	✓	O
Cllr Linda Van den Hende	✓	✗	✓	✓	✓	✓	✗
Cllr Darren Wise	✓	✗	✓	✓	✓	✓	✗
<u>UK Independence Party</u>							
Cllr Lawrence Webb	A	A	A	A	A	A	A
Cllr Ian De Wulverton	✓	✗	✓	✓	✓	✓	✗
Cllr John Glanville	✓	✗	✓	✓	✓	✓	✗
Cllr David Johnson	✓	✗	✓	✓	✓	✓	✗
Cllr Phil Martin	✓	✗	✓	✓	✓	✓	✗
Cllr Patricia Rumble	A	A	A	A	A	A	A
<u>INDEPENDENT LOCAL RESIDENTS' GROUP</u>							
Cllr Jeffrey Tucker	✗	✓	✗	✗	✗	✓	✓
Cllr Michael Deon Burton	A	A	A	A	A	A	A
Cllr David Durant	✗	✓	✗	✗	✗	✓	✓
Cllr Keith Roberts	✗	✓	✗	✗	✗	✓	✓
Cllr Graham Williamson	✗	✓	✗	O	✗	✓	✓
<u>LABOUR</u>							
Cllr Keith Darvill	✗	✓	✗	✓	✗	✓	O
<u>INDEPENDENT</u>							
Cllr Philip Hyde	✗	✓	✗	✓	✗	O	O
<u>TOTALS</u>							
✓ = YES	42	6	42	44	40	47	4
✗ = NO	6	42	6	3	8	0	41
O = ABSTAIN/NO VOTE	0	0	0	1	0	1	3
ID =INTEREST DISCLOSED/NO VOTE	0	0	0	0	0	0	0
A = ABSENT FROM MEETING	6	6	6	6	6	6	6
	54	54	54	54	54	54	54

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